

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DEWITT R. THOMAS,

*Plaintiff,*

v.

TWO RIVERS GROCERY  
& MARKET, ET AL.,

*Defendants.*

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Case No. 2:12-CV-205-JRG-RSP


**ORDER**

Before the Court is Defendants' Motion to Dismiss (Dkt. No. 14, filed August 23, 2012). The Magistrate Judge filed a Report on October 18, 2012, which recommends granting Defendants' motion (Dkt. No. 21). Plaintiff Dewitt R. Thomas filed Motions to Reconsider Granting of Motion to Dismiss (Dkt. Nos. 26 and 27), which the Court deems to be Plaintiff's objections to the Magistrate Judge's Report.

The Court observes that Plaintiff's response to Defendants' motion to dismiss was filed late, and therefore was not considered by the Magistrate Judge before he issued his Report. *See* Dkt. No. 29. Although Plaintiff's response was filed late, the Court has considered the arguments made by Plaintiff in both his response to the motion to dismiss (Dkt. No. 19) and the motions for reconsideration (Dkt. Nos. 26 and 27). The Court finds that none of Plaintiff's arguments cure the problems identified in the Magistrate Judge's Report. Therefore, Plaintiff's objections are **OVERRULED**, and the Court hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge.

Defendants' Motion to Dismiss (Dkt. No. 14) is hereby **GRANTED**. All pending motions are **DENIED**, and this case is **DISMISSED**.

**So ORDERED and SIGNED this 12th day of November, 2012.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE